

# **EXHIBIT 1**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L.  
Madoff Investment Securities LLC and Bernard L.  
Madoff,

Plaintiff,

v.

DEFENDANTS IN ADVERSARY  
PROCEEDINGS LISTED ON EXHIBIT A  
ATTACHED HERETO,

Defendants.

Adv. Pro. Nos. listed on Exhibit A  
Attached Hereto

**[PROPOSED] ORDER AUTHORIZING THE DEPOSITION OF FEDERAL PRISONER  
ANNETTE BONGIORNO**

On November 26, 2018, Irving H. Picard, trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. § § 78aaa *et seq.* (“SIPA”), and the estate of Bernard L. Madoff (“Madoff”) (collectively, “Debtor”), by and through his counsel, filed a Motion and Memorandum of Law For Orders Authorizing the Depositions of Federal Prisoners Annette Bongiorno, Daniel Bonventre, and Joann Crupi (the “Motion”), ECF No. \_\_\_\_\_. The Motion sought, *inter alia*, an order pursuant to Federal Rule of Civil Procedure 30, applicable to

this proceeding under Rule 7030 of the Federal Rules of Bankruptcy Procedure, to depose Ms. Annette Bongiorno.

The Court heard argument on the Trustee's Motion on December 19, 2018.

For the reasons stated on the record, it is hereby **ORDERED** that:

1. Ms. Bongiorno's deposition is authorized;
2. The warden of the Federal Correctional Institution Coleman located in Sumterville, Florida, is hereby directed to produce Annette Bongiorno, a prisoner with Federal Bureau of Prisons Register # 96064-004, at the warden's office or elsewhere within the facility at a date and time to be determined at the discretion of the warden but not later than February 28, 2019. In accordance with Federal Rule of Civil Procedure 30(b), the deposition will be taken before a notary public or other person duly authorized by law to administer oaths and will be recorded by video and/or stenographically;
3. Counsel from the following law firms may attend the deposition of Ms. Bongiorno: (1) Baker Hostetler LLP, as counsel for the Trustee; and (2) Pryor Cashman LLP, Bernfeld, DeMatteo & Bernfeld, LLP, FisherBroyles, Binder & Schwartz LLP, Clifford Chance U.S. LLP, DelBello Donnellan Weingarten Wise & Wiederkehr LLP, Law Office of Joseph F. Keenan, Lax & Neville LLP, and Law Office of Richard E. Signorelli as counsel for certain defendants ("Defendants' Counsel"). No other appearances are authorized;
4. Except for any counsel that may appear on Ms. Bongiorno's behalf, only two attorneys for the Trustee may appear at the deposition; only two attorneys from the Defendants' Counsel may appear; no other appearances are authorized;
5. The Trustee's Counsel shall have the opportunity to commence Ms. Bongiorno's examination at deposition, Defendants' Counsel shall then have the opportunity to examine Ms.

Bongiorno, and the parties then will have the opportunity respectively to conduct any additional re-direct or re-cross examinations as they deem necessary; the Trustee's counsel shall be permitted to examine Ms. Bongiorno for a total of seven (7) hours and Defendants' Counsel shall be permitted to examine Ms. Bongiorno for a total of seven (7) hours; no further questioning is authorized without written leave of court;

6. The Court, in its discretion, may impose sanctions on any person or entity that violates any provision of this Order; and

7. This Court shall retain exclusive jurisdiction over the enforcement, implementation, and interpretation of this Order.

Dated: New York, New York  
\_\_\_\_\_, 2018

---

HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE

# **EXHIBIT A**

	APN	Case Nickname	Counsel
1	10-04341	Marden, et al.	Pryor Cashman LLP
2	10-04343	Patrice Auld, et al.	Pryor Cashman LLP
3	10-04348	Marden Family Limited Partnership, et al.	Pryor Cashman LLP
4	10-04361	Harvey L. Werner Revocable Trust, et al.	Bernfeld, DeMatteo & Bernfeld, LLP
5	10-04384	Lanx BM Investments, LLC, et al.	FisherBroyles
6	10-04417	The Lustig Family 1990 Trust, et al.	Binder & Schwartz LLP
7	10-04468	Ken-Wen Family Limited Partnership, et al.	Bernfeld, DeMatteo & Bernfeld, LLP
8	10-04554	David Ivan Lustig	Binder & Schwartz LLP
9	10-04561	Jeffrey R. Werner 11/1/98 Trust, et al.	Bernfeld, DeMatteo & Bernfeld, LLP
10	10-04592	Anthony E. Stefanelli	DelBello Donnellan Weingarten Wise & Wiederkehr LLP
11	10-05048	Estate of Armand L. Greenhall, et al.	Law Office of Joseph F. Keenan Lax & Neville, LLP
12	10-05118	Charlotte M. Marden	Pryor Cashman LLP
13	10-05168	Bernard Marden Profit Sharing Plan, et al.	Pryor Cashman LLP
14	10-05194	Bruce D. Pergament, et al.	Pryor Cashman LLP
15	10-05255	Stefanelli Investors Group, et al.	DelBello Donnellan Weingarten Wise & Wiederkehr LLP
16	10-05394	Richard M. Glantz, et al.	Law Office of Richard E. Signorelli
17	10-05439	Avram J. Goldberg, individually and in his capacity as trust officer	Pryor Cashman LLP